

CIVIL SERVICE COMMISSION MINUTES

July 15, 1998

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 at the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

Gordon Austin, President
Roy Dixon, Vice-President
Mary Gwen Brummitt
Sigrid Pate

Comprising a quorum of the Commission

Commissioner Valencia-Cothran Absent

Larry Cook, Executive Officer
Ralph Shadwell, Deputy County Counsel
Joy Kutzke, Reporting

CIVIL SERVICE COMMISSION MINUTES
July 15, 1998

1:30 p.m. CLOSED SESSION: Discussion of Personnel Matters and Pending Litigation

2:30 p.m. OPEN SESSION: Room 358, 1600 Pacific Highway, San Diego, California 92101

PRE-AGENDA CONFERENCE

<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
7,8,9,20,21	15	11,12	

Motion by Dixon to approve all items not held for discussion; seconded by Brummitt. Carried.

CLOSED SESSION AGENDA
County Administration Center, Room 458
(Notice pursuant to Government Code Sec. 54954.2)
Members of the Public may be present at this
location to hear the announcement of the
Closed Session Agenda.

a. Commissioner Austin: Richard H. Castle, Jr., Esq., on behalf of **Sylvia Peralta** from an Order of Reduction in Compensation and Duties from the South Bay Municipal Court.

b. Commissioner Brummitt: Michael Loker, Esq., on behalf of **Denise Harns** from an Order of Termination from the Department of Human Resources.

REGULAR AGENDA

NOTE: Five total minutes will be allocated for input on Agenda Items unless additional time is requested at the outset and it is approved by the President of the Commission.

MINUTES

1. Approval of the Minutes of the regular meeting of June 17, 1998.

Approved.

CONFIRMATION OF ASSIGNMENT/REASSIGNMENTS

2. Commissioner Austin as hearing officer in the appeal of **Charles Morgan** from an Order of Suspension from the Department of Information Services.

Confirmed.

3. Commissioner Brummitt as hearing officer in the appeal of **Howard Hong** from an Order of Termination from the Office of the Assessor/Recorder/County Clerk.

Confirmed.

4. Commissioner Dixon as hearing officer in the appeal of **Sue Riley** from an Order of Termination from the Sheriff's Department.

Confirmed.

5. Commissioner Valencia-Cothran reassigned as hearing officer in the appeal of **John Kelleher** from an Order of Termination from the Sheriff's Department. Commissioner Austin previously assigned.

Confirmed.

STIPULATED AGREEMENT

6. Commissioner Valencia-Cothran: **Manuel Perez** appealing a pay-step reduction and a five working-day suspension from the Sheriff's Department.

RECOMMENDATION: Approve agreement.

Approved.

DISCIPLINARY FINDINGS

7. Commissioner Brummitt: Michael Loker, Esq., on behalf of **Denise Harns** from an Order of Termination from the Department of Human Resources (DHR).

FINDINGS AND RECOMMENDATIONS:

Employee was charged with Cause I - incompetency (failure to perform duties; Cause II - inefficiency; Cause III - negligence resulting in harm or significant risk of harm to the public or the public service; Cause IV - conduct unbecoming an officer or employee of the County; Cause V failure of good behavior; and Cause VI - acts incompatible with or inimical to the public service. DHR was successful in proving that Employee's performance was well below the norm. To ensure fairness, Employee was provided with a second chance under a new supervisor prior to being terminated. Employee is guilty of Causes I, II, III, IV, V and VI. Therefore, it is recommended that the Order of Termination be affirmed; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

**Motion by Brummitt to approve Findings and Recommendations;
seconded by Dixon. Carried.**

8. Commissioner Austin: Richard H. Castle, Jr., Esq., on behalf of **Sylvia Peralta** from an Order of Reduction in Compensation and Duties from the South Bay Municipal Court.

FINDINGS AND RECOMMENDATIONS:

Employee was charged with Cause 1 -- inefficiency (failure to timely and/or properly process documents; failure to request assistance; failure to process employee performance appraisals); Cause 2 - incompetency; Cause 3 - failure of good behavior. Employee stipulated to the facts set forth in the Order of Reduction in Compensation. Employee focused on a missed performance appraisal and argued its necessity in order to be consistent with progressive discipline. Employee is guilty of Causes 1, 2 and 3. Therefore, it is recommended that the Order of Reduction in Compensation be affirmed; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

**Motion by Austin to approve Findings and Recommendations;
seconded by Brummitt. Carried.**

COMPULSORY LEAVE

Findings

9. Commissioner Brummitt: James Gattey, Esq., on behalf of **Stephen Maier** regarding an appeal of Compulsory Leave from the Sheriff's Department.

FINDINGS AND RECOMMENDATIONS:

Mr. Gattey, attorney for Stephen Maier, was permitted to address the Commission prior and subsequent to the reading of the findings. He addressed concerns regarding the discussion of sensitive issues in public session. Mr. Gattey also expressed concerns regarding an incident that was discussed at the hearing which had not previously been brought to Mr. Maier's attention, therefore, not affording him the opportunity to respond to the allegations. As a point of clarification, Mr. Gattey stated that there is in existence an agreement between the Deputy Sheriff's Association and the Sheriff's Department that all rights provided by the Police Officers' Bill of Rights are applicable to Corrections Deputies.

Commissioner Brummitt acknowledged the sensitivity of the issues and assured Mr. Gattey that the Commission would take his concerns into consideration during discussion. She read the proposed decision which was followed-up by discussion by the Commission, staff, and counsel resulting in the continuance of the matter to the next Commission meeting.

Motion by Brummitt to continue the matter to the next CSC meeting; seconded by Dixon. Carried.

Complaints

10. Willas DeMorst, S.E.I.U. Local 535, on behalf of **Miriam Plotkin** appealing an Order of Compulsory Leave from the Department of Health and Human Services Agency.

RECOMMENDATION: Assign a Hearing Officer.

Staff recommendation approved. Commissioner Dixon assigned as hearing officer.

DISCRIMINATIONS

Complaints

11. **Dwayne McDougle** a former Corrections Deputy Cadet, alleging racial discrimination by the Sheriff's Department.

RECOMMENDATION: Assign investigative officer and forward to Office of Internal Affairs for investigation and report back to Commission.

Staff recommendation approved. Commissioner Austin assigned as investigative officer.

12. **Patricia Minnich** alleging age discrimination by the Health and Human Services Agency (HHSA).

RECOMMENDATION: Assign investigative officer and forward to Office of Internal Affairs for investigation and report back to Commission.(See also Nos. 13 & 17 below).

Staff recommendation approved. Commissioner Brummitt assigned as investigative officer.

SELECTION PROCESS FINDINGS/COMPLAINTS

Complaints

13. **Patricia Minnich** appealing the selection process by the HHSA having been denied promotion to Protective Services Worker II.

RECOMMENDATION: Hold in abeyance pending Office of Internal Affairs investigation and input from the agency (See also Nos. 12 above and 17 below).

Staff recommendation approved.

14. **Robert Lopez** appealing the removal of his name from the employment list for Marshal Field Service Officer by the Department of Human Resources at the request of the Marshal due to information received during background investigation.

RECOMMENDATION: Deny Request.

Mr. Lopez addressed the Commission regarding the removal of his name from the employment list for Field Service Officer as the result of his background investigation.

Motion by Brummitt to approve staff recommendation; seconded by Dixon. Carried.

15. Richard Pinckard, Esq., on behalf of **Laura Whalen**, Corrections Deputy Sheriff, appealing the selection process by the Sheriff's Department as it relates to her appointment as a Deputy Sheriff.

RECOMMENDATION: Hold in abeyance pending response from the department.

Staff recommendation approved.

16. **Michael Mula** appeal of removal of his name by DHR from the employment list for Corrections Deputy Sheriff for failure to meet the employment standards.

RECOMMENDATION: Ratify Item No. 16 Appellant has been successful in the appellate process provided by Civil Service Rule 4.2.2.

Ratified.

OTHER MATTERS

Performance Appraisals

17. **Patricia Minnich** requesting the sealing of her performance appraisal, from HHSA, covering the period August 22, 1996 to August 22, 1997.

RECOMMENDATION: Hold in abeyance pending further information from HHSA. (See Nos. 12 and 13 above.)

Staff recommendation approved.

Extension of Temporary Appointments

18. Assessor/Recorder/County Clerk

A. 1 Property Assessment Specialist (William P. Dunne)

B. 1 Supervisor Appraiser II (Mark Miller)

RECOMMENDATION: Ratify A & B of item 18.

Ratified.

19. Ratification of J. Terrence Daly, M.D., Ophthalmologist and Forensic Examiner; Lorraine Camenzuli, Ph.D., Clinical Psychologist and Neuropsychologist; and Drucilla Ruocco, Ph. D., Psychologist as additional names to the list of medical and psychological providers to be used for fitness for duty evaluations at the request of the Department of Human Resources.

RECOMMENDATION: Ratify providers.

Ratified.

20. Administrative Manual Amendments.

RECOMMENDATION: Ratify Amendments.

Commissioner Brummitt sought clarification on several items and made constructive comments.

Motion by Brummitt to approve the substance of the revisions; seconded by Brummitt. Carried.

21. Revision of Civil Service Commission Rule VI, Discrimination.

RECOMMENDATION: Approve draft and forward to DHR.

Motion by Dixon to approve draft and forward to DHR; seconded by Brummitt. Carried.

22. Public Input.

ADJOURNMENT: 4:10 p.m.

NEXT MEETING OF THE CIVIL SERVICE COMMISSION WILL BE AUGUST 5, 1998.